

Application No.: 10/004,562

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REMARKS

Amendments to the Specification

The specification has been amended to recite ATCC Accession Nos. for monoclonal antibodies 5D1 and 1A12 (see "Biological Deposits", below).

Amendment to Claim 25

Claim 25 has been amended to correct antecedent basis.

Therefore, this Amendment adds no new matter.

Biological Deposits

The application contains reference to two monoclonal antibodies, 5D1 and 1A12. Hybridomas of these antibodies were deposited at the American Type Culture Collection (ATCC) on August 2, 2005, under the provisions of the Budapest Treaty. Mouse hybridoma anti-rat CD81: 5D1 and mouse hybridoma anti-rat CD81: 1A12 were assigned ATCC Accession Nos. PTA-6901 and PTA-6902, respectively. A copy of the ATCC Budapest Treaty Deposit Receipt and Viability Statement for mouse hybridomas 5D1 and 1A12 is provided herewith. A Statement Under 37 C.F.R. § 1.806 and 1.808 is also being filed concurrently herewith, thereby completing the formalities for deposit.

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CONCLUSION

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Paul Alloway
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Concord, MA 01742-9133

Dated: Oct. 7, 2005

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2708 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.****To: (Name and Address of Depositor or Attorney)**

Beth Israel Deaconess Medical Center
Attn: Jean-Pierre Kinet, MD
99 Brookline Avenue
Research North
Boston, MA 02215

Deposited on Behalf of: Beth Israel Deaconess Medical Center**Identification Reference by Depositor:**

Mouse hybridoma anti-rat CD81: 5D1
Mouse hybridoma anti-rat CD81: 1A12

Patent Deposit Designation

PTA-6901
PTA-6902

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above. The deposits were received August 2, 2005 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested August 30, 2005. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 10, 2005

cc: Doreen M. Hugle
Docket or Case No: 1440 1088-005

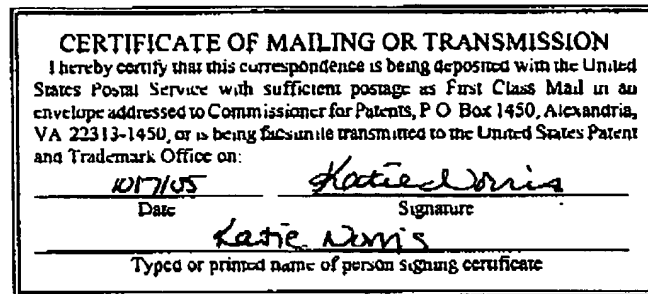
@PFDest: pl.ODMA/MHODMA/HBSR05;Manage.579392;1
DMH/PGF db/(dc)
October 7, 2005

PATENT APPLICATION
DOCKET NO.: 1440.1088-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Tony Fleming and Jean-Pierre Kinet
Application No.: 10/004,562 Group: 1646
Filed: December 5, 2001 Examiner: Nirmal S. Basi
Confirmation No.: 8389
For: CALCIUM-INDEPENDENT NEGATIVE REGULATION BY CD81 OF
RECEPTOR SIGNALLING

STATEMENT UNDER 37 C.F.R. § 1.806 AND § 1.808

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. § 1.806 and § 1.808 the undersigned states:

1. The above-referenced application has been amended to contain a reference to two biological deposits. Mouse hybridoma anti-rat CD81: 5D1, Accession No. PTA-6901, and mouse hybridoma anti-rat CD81: 1A12, Accession No. PTA-6902, were deposited on August 2, 2005 at the American Type Culture Collection, 10801 University Boulevard, Manassas, VA, 20110-2209, in accordance with the terms of the Budapest Treaty.

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i. In accordance with 37 C.F.R. § 1.806, the deposits under Accession Nos. PTA-6901 and PTA-6902 were made for a term of at least thirty years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository. The deposits under Accession Nos. PTA-6901 and PTA-6902 are stored under an agreement that makes them available beyond the enforceable life of the patent that issues from the subject application and for which the deposits were made.

. In accordance with 37 C.F.R. § 1.808(a)(1), access to the deposits under Accession Nos. PTA-6901 and PTA-6902 will be available during the pendency of the above-referenced application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

. In accordance with 37 C.F.R. § 1.808(a)(2), and except as permitted by 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent on the above-referenced application.

i. The undersigned is an attorney of record.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Paul G. Alloway
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Dated:

Oct. 7, 2005